IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 23761 of 2006(D)

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PETITIONER:

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M.C. ANONTY, S/O. CHANDY,
AGED 47 YEARS, MATTAPPALLIL HOUSE, KATTAPPANA,
IDUKKI DISTRICT, EMPLOYED AS DRIVER, KSRTC,
OFFICE ASST. TRANSPORT OFFICER, THODUPUZHA.

BY ADV. SRI.JOICE GEORGE

RESPONDENTS:

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1. THE STATE OF KERALA,
REP. BY ITS SECRETARY, DEPARTMENT OF TRANSPORT,
GOVT. SECRETARIAT, TRIVANDRUM.

2. THE KERALA STATE ROAD TRANSPORT
CORPORATION, REP. BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM.

3. THE MANAGING DIRECTOR,
KSRTC, THIRUVANANTHAPURAM.

4. THE ASST. TRANSPORT OFFICER,
OFFICE OF THE ASST.TRANSPORT OFFICE,
KSRTC, THODUPUZHA.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**PIUS C.KURIAKOSE, J.**

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**W.P.(C)NO.23761 of 2006**

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**Dated this 4th day of December, 2006**

**JUDGMENT**

The petitioner, a driver of the KSRTC, was assigned with light duties on the ground that he is having very serious cardiac ailments. His grievance is that the KSRTC is not presently assigning light duties to him and is now compelling him either to go on for driver's duty itself or to go on leave entailing loss of pay. Going by the counter affidavit submitted by the KSRTC the maximum periods during which light duties could be assigned as per the guidelines issued by the KSRTC have been given to the petitioner.

2. Heard Sri.Joice George, the learned counsel for the writ petitioner and Sri.K.Prabhakaran, the learned Standing Counsel for the KSRTC. Sri.Joice George submits that in spite of the guidelines several other similarly circumstanced persons are being assigned with light duties even beyond the maximum periods allowed by the guidelines.

3. I do not propose to take a decision on this controversy.

Ext.P5 representation submitted by the petitioner will be taken up by the respondent. The petitioner will be permitted to cite the instances where, in spite of the guidelines light duties are assigned to similarly circumstanced persons, and on the basis of such instances and the further points, which will be highlighted during hearing by the petitioner, the respondent will take a correct and just decision on Ext.P5. In view of the averments in the counter affidavit, if the Corporation finds it difficult to assign light duties to the petitioner any longer, the petitioner may be permitted to make a request for voluntarily retirement also and in such contingency, the said request also will be considered by the Corporation.

The writ petition is disposed of as above.

**PIUS C.KURIAKOSE**
**Judge**

dpk